# UNITED STATES OF AMERICA DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF ADMINISTRATIVE LAW JUDGES

The Secretary, United States
Department of Housing and Urban
Development, on behalf of Housing
Opportunities Made Equal of
Virginia, Inc.,

Charging Party,

V.

FHEO No. 03-10-0201-8

Warner Willis,

Respondent

**CHARGE OF DISCRIMINATION** 

## I. JURISDICTION

Housing Opportunities Made Equal of Virginia, Inc. ("HOME") submitted a timely complaint with the United States Department of Housing and Urban Development ("HUD") on February 16, 2010, which was amended on March 2, 2010, alleging that Warner Willis ("Respondent") committed a discriminatory housing practice on the basis of sex, race, color, and familial status in violation of the Fair Housing Act, 42 U.S.C. §§ 3601-19 (the "Act").

The Act authorizes the issuance of a Charge of Discrimination ("Charge") on behalf of an aggrieved person following an investigation and determination that reasonable cause exists to believe that discriminatory housing practices have occurred. 42 U.S.C. §§ 3610(g)(1) and (2). The Secretary has delegated to the General Counsel (74 Fed. Reg. 62802 (Dec. 1, 2009)), who retains and redelegates to the Regional Counsel (74 Fed. Reg. 62804 (Dec. 1, 2009)), the authority to issue such a Charge, following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity (the "Assistant Secretary") or his or her designee.

<sup>&</sup>lt;sup>1</sup> HOME amended its complaint on March 2, 2010, to remove an allegation of sexual harassment.

The Acting Fair Housing and Equal Opportunity Director for Region III, the Assistant Secretary's designee, has determined that reasonable cause exists to believe that discriminatory housing practices have occurred and, therefore, has authorized the issuance of this Charge.

# II. SUMMARY OF THE ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaint, and as set forth in the aforementioned determination of reasonable cause, Respondent is charged with discrimination on the basis of sex, race, color, and familial status in violation of 42 U.S.C. § 3604(c).

## A. Statutory and Regulatory Provisions

- 1. It is unlawful to make statements with respect to the rental of a dwelling that indicate any preference, limitation or discrimination based on race, color, sex, or familial status, or an intention to make any such preference, limitation or discrimination. 42 U.S.C. § 3604(c); 24 C.F.R. § 100.75(a), (b) and (c)(1) (2010).
- 2. "Familial status" means one or more individuals under the age of eighteen (18) being domiciled with a parent or legal guardian. 42 U.S.C. § 3602(k); 24 C.F.R. § 100.20 (2010).

#### B. Parties and Properties

- 1. At all times pertinent to this Charge, HOME is a private, non-profit organization working to end discrimination in housing access. The organization's stated mission is to ensure equal access to housing for all people.
- 2. At all times pertinent to this Charge, Respondent Warner Willis has resided at 11291 Arbor Creek Drive Apt. 1121, Henrico, VA 23233, and has used the email address wlwdiv@verizon.net.

## C. Factual Allegations

1. On January 17, 2010, Respondent posted an advertisement entitled "\$100 Great 2BR 2 bath high end Apt. (Richmond West end)" on the "rooms/shared" section of *craigslist.org*. The advertisement provided the email address *wlwdiv@verizon.net*, and read as follows:

I am a divorced mature man who has more space than needed. I will give details to interested parties and show, No smoking (inside) no drugs (inside) no wild party, no small children. Single moms would be

considered. Want young woman 19 to 45 who needs a nice place and doesn't mind helping 'around the house' and being a good friend, however intimate you want (or not). I don't like to live alone and eat alone. I need company. If you work or not. THIS IS NOT A FAKE LISTING. I will meet at your choice of public places and we can go to see, or not, as you choose. Just reply and fill me in on you. Give age general personal info. Rent down to zero or up to half, depends on what you say and need. I HAVE NOTHING TO HIDE!

2. On January 17, 2010, Respondent posted an advertisement entitled "\$100 CAN'T PAY YOUR RENT NOW?? (RICHMOND WEST END)" on the "rooms/shared" section of *craigslist.org*. The advertisement provided the email address *wlwdiv@verizon.net*, and read as follows:

I DON'T WANT YOU SLEEPING IN YOUR CAR OR UNDER A BRIDGE. I HAVE AN EXTRA BR AND FULL BATH, BUT NEED HELP CAUSE I AM NEWLY DIVORCED AND I AM LOST! I WOULD GO DOWN TO FREE OR ACCRUE YOUR RENT WHILE YOU FIND A JOB. E-MAIL ME ABOUT YOU AND YOUR NEEDS. PREFER FEMALE 19-40. BECAUSE I NEED SOMEONE TO TALK TO.

- 3. On January 25, 2010, Respondent posted an advertisement entitled "\$250 High end apt to share now (Near Short Pump)" on the "rooms/shared" section of *craigslist.org*. The advertisement provided the email address *wlwdiv@verizon.net*, and read as follows:
  - 2 BR 2 full Bath high end Apt. near Short Pump. Prefer female 19-45 congenial & compatible. Non smoke clean with no bad habits. Prefer no children or pets. Rent is adjustable according to all factors. Fireplace, garage, wash & dryer. TV, Computer, Cable, quiet and VERY WELL maintained. I am mature white man. I will respond to all serious applicants.
- 4. Noting that Respondent's advertisements for housing included discriminatory terms such as "want young woman" and "prefer no children," HOME arranged for testers to respond to Respondent's advertisements.
- 5. On January 26, 2010, a HOME staff person representing herself as "Julie T" emailed Respondent at wlwdiv@verizon.net. She inquired about the advertised apartment and asked whether Respondent was a male or female. Respondent replied, describing the location of the apartment and noting that he is a mature white male and semi-retired. He identified himself in the email as W.L. Willis. On January 27, 2010, "Julie T" sent another email to Respondent requesting his telephone number and asking why he preferred to live with a woman. Respondent replied, "GOD MADE US FOR EACH OTHER! MALE AND FEMALE...MAN AND WIFE... ADAM AND EVE..." and provided his phone number: (804) 357-7912. On January 29, 2010, "Julie T" emailed Respondent telling him that she was not interested in renting the advertised room.

6. On February 14, 2010, Respondent posted an advertisement entitled "\$300 Upscale Apt. with everything (Far West End)" on the "rooms/shared" section of *craigslist.org*. The advertisement provided an email address generated by *craigslist.org*, and read as follows:

WANTED FEMALE ROOMMATE reasonable adjustment made in cost depending upon that special person. I am picky. This apartment has 2 BR n 2Full baths working fire place in LARGE LR DINING AREA.

full kitchen w/utility rm washer & dryer. Privacy or togetherness I am open.. Utilities \$100/Mo. Or 1/3 whichever is less. I will need to know about you. I prefer slender attractive, young and smart. Someone that I can share a fire and a glass of wine with in the evning. Please no pets or children. Non-smoke and no drugs or disease.

- 7. On February 16, 2010, Amy Nelson, HOME's Systemic Investigations Director, emailed Respondent at the *craigslist.org*-generated email address provided in the advertisement posted on February 14, 2010, entitled "\$300 Upscale Apt. with everything (Far West End)". Posing as "Jordan Marshall", Ms. Nelson described herself as a 22-year-old female with no children looking for housing and included a photograph of a young woman in the email. Respondent replied from the email address *wlwdiv@verizon.net*, commenting on the beauty of the woman in the photograph and describing his own physical appearance. He signed the email "Warner." On February 20, 2010, Respondent emailed "Jordan Marshall" and asked her if she was interested in the room. She replied that she was not interested.
- 8. HOME continued to monitor *craigslist.org* and discovered that Respondent posted discriminatory housing advertisements in the "Personals" section of *craigslist.org*. HOME again arranged for testers to respond to Respondent's advertisements.
- 9. On May 16, 2010, Respondent posted an advertisement in the "Personals" section of craigslist.org. The advertisement, which did not provide his personal email address, stated that the rent would range "from FREE up to \$300/month according to our mutual interests and compatibility" and noted Respondent's preference for "slender and beautiful & white or oriental." On May 28, 2010, a HOME staff member identifying herself as "Jennifer Adams" responded to the advertisement via the "Reply to this post" option on craigslist.org inquiring about the advertisement. Respondent replied from the email address wlwdiv@verizon.net, explaining, "I would enjoy a total relationship with the right person and share my bedroom....However, I have a room for rent. That is not a requirement but an incentive for both." In another email he wrote, "....the relationship that we might understand would certainly affect what rent I might expect. Were we very close I could not charge any rent." In a later email he provided his address and phone number.
- 10. On May 31, 2010, Respondent posted an advertisement for a roommate in the "Personals" section of *craigslist.org* which provided an email address generated by *craigslist.org* and included the phrases "I want White or Oriental," "No rent is required if you and I mesh properly," and "No kids." On June 9, 2010, a HOME staff member identifying herself as "Tyler Baldwin" responded to the advertisement via

the *craigslist.org*-generated email address provided in the advertisement. Respondent replied from the email address *wlwdiv@verizon.net* and identified himself as "Warner".

#### **Fair Housing Act Violations**

- 1. By stating in his advertisements and correspondence with potential renters phrases such as "want young woman" and "prefer female," Respondent indicated a sexbased preference for women and sex-based discrimination against men, in violation of 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.75(a), (b) and (c)(1) (2010).
- 2. By stating in his advertisements and correspondence with potential renters "no small children" and "prefer no children," Respondent indicated a preference against, limitation on, and discrimination against potential renters based on familial status, in violation of 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.75(a), (b) and (c)(1) (2010); 42 U.S.C. § 3602(k); 24 C.F.R. § 100.20 (2010).
- 3. By stating in his advertisements and correspondence with potential renters that he preferred "White or Oriental," and by identifying himself as a "white male", Respondent indicated a color- and race-based preference for White and Asian renters and discrimination against those of other colors and races, in violation of 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.75(a), (b) and (c)(1) (2010).
- 4. As a result of Respondent's discriminatory statements, HOME expended significant time and resources. HOME conducted a thorough investigation of Respondent's housing advertisements, which required strategic planning, regular monitoring of *craigslist.org* advertisements, and the time and effort of HOME's staff members. The resources expended in this investigation were diverted from HOME's other fair housing advocacy, education, and policy programs.

## III. <u>CONCLUSION</u>

WHEREFORE, the Secretary of Housing and Urban Development, through the Office of the Regional Counsel, Region III, and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges Respondent with engaging in discriminatory housing practices in violation of 42 U.S.C. § 3604(c), and prays that an order be issued that:

- Declares that Respondent's discriminatory housing practice, as set forth above, violates the Fair Housing Act, 42 U.S.C. §§ 3601-19 and its implementing regulations;
- 2. Pursuant to 42 U.S.C. § 3612(g)(3), enjoins Respondent from making, printing, or publishing, or causing to be made, printed, or published any notice, statement, or advertisement, with respect to the rental of a dwelling that indicates any

- preference, limitation, or discrimination based on race, color, sex, or familial status, or an intention to make any such preference, limitation, or discrimination.
- 3. Pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.671(a)(1), assesses a civil penalty against Respondent for each violation of the Act;
- 4. Pursuant to 42 U.S.C. § 3612(g)(3), awards such damages as will fully compensate HOME for the diversion of its resources and out-of-pocket expenses devoted to investigating the matter.

The Secretary further prays for such additional relief as may be appropriate.

Respectfully submitted,

MARGARET BALDWIN

Attorney

PATRICIA McGARVEY KNEBEĽS

Trial Attorney

RICHARD A. MARCHESE

Associate Regional Counsel

SHERYI L. JOHNSON

Regional Counsel

U.S. Department of Housing and Urban Development Office of the Regional Counsel The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3380 Telephone: (215) 430-6653

Fax: (215) 656-3446 TTY: (215) 656-3450 Date: 2 / 18 / 1